

FILED IN OPEN COURT
 DATE 12/20/22
 BY LEE DEPUTY CLERK
 DIVISION, W.D. of VA

UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF VIRGINIA
 ROANOKE DIVISION

UNITED STATES OF AMERICA :

v. :

Case No. 7:22-CR-00001

JERALD GRAY :

AGREED STATEMENT OF FACTS

This Statement of Facts briefly summarizes the facts and circumstances surrounding the criminal conduct at issue in this case. It does not contain all of the information obtained during the investigation and applicable to an accurate Presentence Investigation Report and Sentencing Guidelines Calculation. The Statement of Facts is not protected by proffer agreement or any other agreement and shall be wholly admissible at trial notwithstanding any rules or statutes to the contrary, including, but not limited to, Federal Rules of Evidence 408 and 410 and Federal Rule of Criminal Procedure 11.

On or about July 3, 2021, the defendant, JERALD GRAY, using a computer, used Freenet, a peer-to-peer filesharing software, to download a video approximately nine minutes in length that depicts a naked prepubescent girl under twelve years of age performing oral sex on an adult male. On August 7, 2021, GRAY again used Freenet, this time to download two videos. One video is close to ten minutes in length and depicts an adult male sitting atop a prepubescent girl under twelve years of age while the man masturbates and the child uses her mouth and hands to perform various sexual acts on the man's genitals. The second video is close to eleven minutes in length and depicts a naked prepubescent girl under twelve years of age engaging in various sexual acts with an adult male. The man performs oral sex on the child, the child performs oral sex on the man, and the man touches his penis to the child's genitals.

Based on this information, law enforcement conducted a search warrant on a Dell desktop computer located in GRAY's bedroom and on one of GRAY's cell phones. While searching the computer, law enforcement located a folder containing material that appeared to have been downloaded from Freenet. This folder contained approximately sixty-five movie or image data files that contain child sexual abuse material. An FBI analyst has determined that eighteen of these files constitute child sexual abuse material involving one previously identified child victim and one file constitutes child sexual abuse material involving a second previously identified child victim. An FBI analyst subsequently conducted a forensic analysis on GRAY's computer and confirmed, by comparing hash values, that all three files downloaded using Freenet on July 3 and August 7, 2021, were located in the Freenet downloads folder on GRAY's computer.

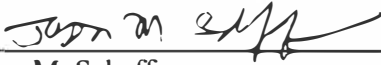
Law enforcement also conducted a search warrant on GRAY's cell phones. One cell phone contained eleven videos that an FBI analyst has determined constitute child sexual abuse material involving a third previously identified child victim.

On or about December 8, 2021, law enforcement interviewed GRAY. During this interview, GRAY admitted that he was the primary user of the Dell computer, and he admitted to using Freenet to download child sexual abuse material.

At all relevant times, GRAY resided in Covington, Virginia, which is located in the Western District of Virginia. The images and videos on GRAY's computer were shipped or transported in interstate or foreign commerce and affected interstate and foreign commerce.

Seen and Agreed:

Date: ~~December~~ ^{January} 12, 2023



Jason M. Scheff
Assistant United States Attorney

I have reviewed the above Agreed Statement of Facts with my attorney, and I agree that it is true and accurate.

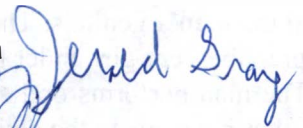
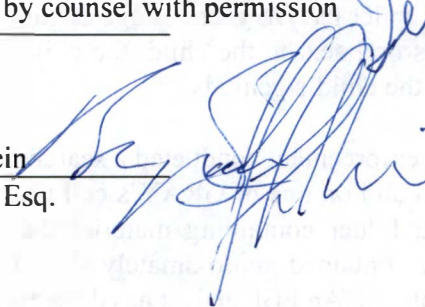
Date: December 13, 2022

/s/ Jerald Gray, signed by counsel with permission

Jerald Gray

/s/ Benjamin Schiffelbein

Benjamin Schiffelbein, Esq.
Attorney for Defendant



1/12/23